



**POLICE DEPARTMENT  
CITY OF BURLINGTON**

**TO:** Mayor of Burlington

**FROM:** Chief of Police

**DATE:** April 19<sup>th</sup>, 2018

**SUBJECT: VERMONT POLICE ACADEMY USE OF FORCE SCENARIO**

This preliminary investigation was conducted by Deputy Chief Shawn Burke under the direction of the Chief of Police.

On March 14<sup>th</sup>, 2018 Police Officer [REDACTED] sustained a concussion during a use of force training scenario during basic training at the Vermont Police Academy (VPA). Deputy Chief Jan Wright was made aware of Officer [REDACTED] injury by both Burlington Police (BPD) Corporal [REDACTED] and VPA staff member [REDACTED]. The VPA use of force curriculum relies on police officers who are certified instructors from around the state. On this particular date BPD had three instructors at the VPA; Cpl. [REDACTED] Cpl. [REDACTED] and Cpl. [REDACTED].

Deputy Chief Wright was able to learn that Ofc. [REDACTED] injury was sustained during the "hitchhiker" scenario. Ofc. [REDACTED] reported to VPA staff that he sustained an impact to [REDACTED] head during the scenario while trying to subdue [REDACTED] adversary. Ofc. [REDACTED] advised that [REDACTED] did not go unconscious and did not realize that [REDACTED] was "rattled" until the scenario was over, with the "rattled" condition being described as feeling off balance and having a headache. Ofc. [REDACTED] was seen at Rutland Regional Medical Center and sent back to the VPA on restricted duty; no physical training or other physical activity.

Deputy Chief Wright and [REDACTED] exchanged e-mails on March 14, 15, and 16 regarding Ofc. [REDACTED] condition. On March 16<sup>th</sup>, 2018 [REDACTED] informed Deputy Chief Wright that Ofc. [REDACTED] had listed one previous concussion during [REDACTED] medical examination but had now disclosed that [REDACTED] has had upward of four other "head injuries" which were undiagnosed. Essentially, Ofc. [REDACTED] was able to continue at the VPA on restricted duty while receiving follow up care from an entity identified as occupational health.

Additional information was sought regarding the "hitchhiker" scenario. BPD staff had a general understanding that the scenario involved a single officer response to a call for service that quickly eroded to a use of force application which persisted for an extended period. BPD staff also had received information from its own Officers who were on site March 14<sup>th</sup> that a total of three recruits had been taken to the hospital for treatment as a result of this particular scenario. Deputy Chief Wright also indicated that incidents of Officer injury while attending the VPA had been significant, and a focal point of Human Resources.



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At the time of Ofc. [REDACTED] injury report Ofc. [REDACTED] was assigned to light duty due to a hearing loss condition. Ofc. [REDACTED] learned of Ofc. [REDACTED] injury and asked to meet with me regarding [REDACTED] injury. Chief del Pozo and I met with Ofc. [REDACTED] on March 15<sup>th</sup>. Ofc. [REDACTED] had been on light duty since December of 2017 due to [REDACTED] hearing loss condition. Ofc. [REDACTED] had been undergoing a variety of diagnostic processes but a formal diagnosis had yet to be determined. Ofc. [REDACTED] advised that during a recent appointment [REDACTED] neurologist had suggested that [REDACTED] sudden hearing loss could be a symptom of a brain injury. Ofc. [REDACTED] advised that [REDACTED] recalled suffering concussion syndrome symptoms after [REDACTED] experience in the "hitchhiker" scenario while attending basic training at the VPA. Ofc. [REDACTED] provided a detailed account of [REDACTED] experience in this particular use of force scenario, the details are listed below with the other Officer accounts. Of particular note, Ofc. [REDACTED] described being blindly punched in the head several times causing [REDACTED] to fall to [REDACTED] knees. Ofc. [REDACTED] advised that in the days following this event [REDACTED] experienced prolonged headaches and a persistent ringing in [REDACTED] left ear. Ofc. [REDACTED] further advised that [REDACTED] roommate at the VPA, Ofc. [REDACTED] of the [REDACTED] Police Department, had also sustained concussion symptoms after being punched unconscious during the "hitchhiker" scenario. Ofc. [REDACTED] advised that neither recruit reported their injuries as they did not want to jeopardize their police employment.

On March 16<sup>th</sup>, 2018 I attended a meeting regarding the incidents of Officer injury sustained at the VPA with the department heads of the City Attorney's Office, Human Resources, and BPD. At the conclusion of this meeting I was assigned the task of investigating incidents of BPD Officers being injured during the "hitchhiker" scenario.

Between March 20<sup>th</sup> and April 19<sup>th</sup>, 2018 I conducted interviews of ten Burlington Police Officers who had attended the last three sessions of the VPA. Each Officer was asked specifically about the "hitchhiker" scenario; what information they were given, how they were attired, what they found upon arrival, how the "hitchhiker" (role player) was attired, what transpired, and the identities of the role player and the evaluator. The following paragraph will summarize the scenario in general terms, the details of each Officer's experience will be outlined following the summary.

Officers are attired in; full red man suits which include helmets with or without face cages, chest protectors, arm protectors, thigh pads, with conflicting reports of having gloves or if the hand protection is integrated into the arm protection. The Officers are also wearing their duty belts with inert pepper spray, foam batons, and simulated firearms. Officers, one at a time, are dispatched to a report of a hitchhiker on a limited access highway who might be intoxicated. Due to the number of recruits in any given class the same scenario is run simultaneously which equates to Officers having different experiences which depend on the role player involved. The Officers enter the scenario and find the role player attired in full red man gear in an area covered in floor mats. The Officers use interview skills to engage the role player and eventually ask the role player for his identification. As the role player hands the Officer his identification the role player punches



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the Officer in the head, often striking the Officer in the head multiple times. The Officers apply their newly acquired use of force skills to defend themselves and take the role player into custody. The physical contest lasts for several minutes and requires full exertion of blocks, strikes, and force options (inert pepper spray, foam baton, blue handle firearm). The scenario ends in three general ways; the Officer prevails and subdues the role player, the Officer commits a serious officer safety violation at which point the evaluator calls out of role, or the Officer is injured and cannot continue.

The individual accounts from Officers are as follows:

- Ofc. [REDACTED] of the 105<sup>th</sup> Basic class reported that [REDACTED] entered the described scenario and as the role player handed [REDACTED] identification Ofc. [REDACTED] was punched several times directly in the side of [REDACTED] head with great force. Ofc. [REDACTED] reported that when [REDACTED] attention was drawn to the role player's identification [REDACTED] was hit blindly with more than one round house style punch causing [REDACTED] to feel disoriented and stunned. Ofc. [REDACTED] advised that [REDACTED] was able to fight through the scenario and take the role payer into custody. After the scenario Ofc. [REDACTED] had concussion syndrome symptoms which [REDACTED] reported and was medically screened for. The role player for this scenario was identified as [REDACTED], [REDACTED] with the [REDACTED].
- Det. [REDACTED] is a Burlington Police use of force instructor who was evaluating Ofc. [REDACTED] scenario. Det. [REDACTED] described the head gear recruits wear as foam with a face cage. Det. [REDACTED] advised that Ofc. [REDACTED] took three punches directly to the head which were thrown with "considerable force" from the role player, [REDACTED] Det. [REDACTED] advised that the role player was wearing Red man style gloves and not sparing type gloves which would offer some padding. Det. [REDACTED] advised that in [REDACTED] experience role players generally throw punches that are more consistent with distractionary blows as opposed to the forceful blows thrown at Ofc. [REDACTED].
- Ofc. [REDACTED] of the 105<sup>th</sup> Basic class reported that [REDACTED] was injured during the time of the hitchhiker scenario and could not participate. Ofc. [REDACTED] advised that the scenario is infamous at the VPA. Ofc. [REDACTED] advised that three recruits were sent to the hospital following the scenario day; two for head injuries and one for a knee injury. Ofc. [REDACTED] advised that the [REDACTED] recruit that was injured was "knocked out" and was reportedly vomiting after [REDACTED] ate over the ensuing days. Ofc. [REDACTED] advised that the role player that injured this Vermont State Police recruit was a tall physically fit [REDACTED] who works at the [REDACTED] this description fits that of the role player known as [REDACTED].
- Ofc. [REDACTED] of the 105<sup>th</sup> Basic class reported that given the equipment [REDACTED] was



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outfitted with, the scenario site being completely covered in mats, and the way the role player was attired [REDACTED] knew something was going to happen. Ofc. [REDACTED] advised that [REDACTED] has a martial arts background and was prepared to act. Ofc. [REDACTED] advised that the role player that [REDACTED] faced is [REDACTED] from the [REDACTED] and that Det. [REDACTED] was the evaluator. Ofc. [REDACTED] told me that the role player was very agitated and when the role player tendered [REDACTED] identification [REDACTED] threw a punch exerting about 75% energy. Ofc. [REDACTED] said "if you stand still you will be hit". Ofc. [REDACTED] advised that [REDACTED] was able to evade a full strike and take the role player into custody. Ofc. [REDACTED] also acts as the class medic. Ofc. [REDACTED] advised that [REDACTED] evaluated both recruits who sustained apparent closed head injuries and the recruit who sustained a knee injury prior to them being taken to medical treatment.

- Ofc. [REDACTED] of the 105<sup>th</sup> Basic class reported that [REDACTED] faced the role player known to be [REDACTED]. Ofc. [REDACTED] further advised that [REDACTED] has six years' experience in mixed martial arts, two of those years of actually competitive fighting. Ofc. [REDACTED] advised that during the scenario [REDACTED] was actually handing the role player [REDACTED] identification back when the role player punched [REDACTED] in the face. Ofc. [REDACTED] estimated that the role player exerted 75 to 90% energy remarking that the role player was over [REDACTED] feet tall, exceeds [REDACTED] pounds, who displayed the skills of a trained fighter. Ofc. [REDACTED] advised that after the "all out brawl" [REDACTED] was able to subdue the role player. Ofc. [REDACTED] identified the scenario evaluator was the [REDACTED].
- Ofc. [REDACTED] of the 104<sup>th</sup> Basic class reported that [REDACTED] faced [REDACTED] as the role player during the "hitchhiker scenario". Ofc. [REDACTED] advised that [REDACTED] was punched in the side of [REDACTED] head, in the area of [REDACTED] ear, with considerable force. Ofc. [REDACTED] simply said that the punch "hurt" but that the subsequent strikes were not as forceful.
- Ofc. [REDACTED] of the 104<sup>th</sup> Basic class advised that [REDACTED] faced [REDACTED] as the role player in the "hitchhiker" scenario. Ofc. [REDACTED] described being "sucker punched" but elaborated that [REDACTED] telegraphed the punch and [REDACTED] was able to take some defensive action which mitigated the blow.
- Ofc. [REDACTED] of the 104<sup>th</sup> Basic class faced [REDACTED] in the described scenario. Ofc. [REDACTED] recalled the scenario and described being punched in the head with a round house style punch thrown at 75% exertion as Ofc. [REDACTED] received the role player's identification. Ofc. [REDACTED] advised that [REDACTED] was stuck "a couple" of times in the head and shoulder before [REDACTED] could take any meaningful defensive action, adding that [REDACTED] did note the role player's hips move right before [REDACTED] was punched in the head. This last detail affirms that if the recruit takes his or her eyes off the role player



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they are at more risk of being punched blindly.

- Ofc. [REDACTED] of the 104<sup>th</sup> Basic class faced an unidentified role player. Ofc. [REDACTED] advised that the role player held [REDACTED] identification out about waist high. Ofc. [REDACTED] advised that [REDACTED] looked down to take the identification and was punched "clean" in the temple. Ofc. [REDACTED] advised that the role player threw an actual round house style punch. Ofc. [REDACTED] advised that [REDACTED] sustained a knee injury during the ensuing struggle. Ofc. [REDACTED] told me that [REDACTED] had to complete the scenario a second time, facing [REDACTED]. Ofc. [REDACTED] advised that [REDACTED] was better prepared to mitigate the first punch in the second scenario.
- Ofc. [REDACTED] of the 103<sup>rd</sup> Basic class had to participate in the "hitchhiker" scenario three times in order to satisfactorily complete it. Ofc. [REDACTED] faced [REDACTED] in [REDACTED] first attempt. Ofc. [REDACTED] advised that as [REDACTED] received the role player's identification [REDACTED] was punched with great force in the head and was disarmed of [REDACTED] baton. Ofc. [REDACTED] advised that [REDACTED] retreated and drew [REDACTED] firearm. Ofc. [REDACTED] told me that the scenario was discontinued by the evaluator as [REDACTED] resorted to lethal force which was not justified according to the evaluator. Ofc. [REDACTED] advised that during [REDACTED] second attempt [REDACTED] faced [REDACTED] as the role player while [REDACTED] was the evaluator. Ofc. [REDACTED] told me that as [REDACTED] went to take the role player's identification [REDACTED] was punched "multiple times" in the head with a tremendous amount of force. Ofc. [REDACTED] advised that the force of the blows caused [REDACTED] to stagger backward to the extent that [REDACTED] stopped the scenario and helped [REDACTED] maintain [REDACTED] balance. Ofc. [REDACTED] recalled [REDACTED] saying to [REDACTED] "you took a lot of hits". Ofc. [REDACTED] advised that [REDACTED] felt nauseous after this event while experiencing what would become a prolonged headache. Ofc. [REDACTED] told me that [REDACTED] of the VPA authorized a third attempt at the scenario during which [REDACTED] was able to react defensively, this time against [REDACTED] and was able to successfully complete the scenario. Ofc. [REDACTED] told me that [REDACTED] had a headache, nausea, and a persistent ringing in [REDACTED] ear in the weeks following these events.
- Ofc. [REDACTED] of the 103<sup>rd</sup> Basic class faced [REDACTED] as a role player and an unidentified evaluator. Ofc. [REDACTED] told me that as the role player handed [REDACTED] identification [REDACTED] was "sucker punched" by the role player. Ofc. [REDACTED] advised that the role player exerted about 80% energy with a series of three punches which Ofc. [REDACTED] described as "rings your bell". Ofc. [REDACTED] advised that [REDACTED] did not have any lasting effects but did advise that a [REDACTED] recruit in the class was knocked unconscious.
- Ofc. [REDACTED] of the 103<sup>rd</sup> Basic class faced [REDACTED] as the role player. Ofc. [REDACTED] advised that as [REDACTED] took the role player's identification the role player threw an overhead blow. Ofc. [REDACTED] advised that [REDACTED] saw the punch coming and was able to



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move and only sustained what he described as a hard glancing blow. Ofc. [REDACTED] told me that [REDACTED] went through the scenario twice and [REDACTED] turned [REDACTED] back on the role player during [REDACTED] first attempt. Ofc. [REDACTED] advised that a [REDACTED] recruit from the [REDACTED] Department was "knocked out" during this scenario.

- Ofc. [REDACTED] (St. Albans PD) of the 103<sup>rd</sup> Basic class. I spoke with Ofc. [REDACTED] about what, if any memory [REDACTED] had of Ofc. [REDACTED] being injured. Ofc. [REDACTED] confirmed that [REDACTED] and Ofc. [REDACTED] were roommates but said [REDACTED] did not remember much about Ofc. [REDACTED] post "hitchhiker" scenario. Ofc. [REDACTED] told me that [REDACTED] was knocked unconscious by the role player, who was identified as [REDACTED]. Ofc. [REDACTED] advised that [REDACTED] of the VPA was the evaluator and prevented [REDACTED] from falling to the floor when [REDACTED] was punched in the head. Ofc. [REDACTED] advised that [REDACTED] had in fact reported [REDACTED] injury to the VPA as [REDACTED] experienced dizziness, vertigo symptoms, and a prolonged headache following the event.

Following these Officer interviews, I spoke with [REDACTED] who is the [REDACTED] [REDACTED] for the Burlington Police Department. [REDACTED] is a use of force instructor at the VPA and is very familiar with the scenario at hand. [REDACTED] told me that the scenario's objective is to train recruits on how to respond to the act of simple assault on a police officer. [REDACTED] explained that the injuries [REDACTED] has seen recruits sustain are directly related to the recruit letting their guard down, taking their eyes off of the role player, and not using effective officer safety skills (distance, stance, and preparedness). [REDACTED] advised that the scenario would lose effectiveness if a blow to the head was not used, citing that it would simply not have the same effect. [REDACTED] advised that the equipment used at the VPA is not sufficient to keep recruit officers and role players safe. [REDACTED] advised that the VPA should consider mixed martial arts head gear which is designed to withstand blows, kempo style training gloves for role players which have some of the padding characteristics of sparing gloves, and mouth protection for all. [REDACTED] noted that many head blows are greatly exaggerated when an unsuspecting participant is not clenching their jaw closed on a mouth guard.

This initial inquiry has identified that the VPA use of force program has a practice of striking police recruits in the head in a manner that is problematic related to the size and skill level of the role players, the varying amount of force that is employed by the individual role players, the real safety value of the protective gear that all participants are provided, and how much is becoming known about the long-term brain trauma associated with closed head injuries.

## **RECOMMENDATIONS**

It is requested that a law enforcement agency with investigative authority over the Vermont Police Academy and its training staff conduct an independent, formal investigation into this



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matter. This investigation should be extended to all recruit officers who attended the academy for at least the time of the last three Academy classes.

**POLICE DEPARTMENT  
BALTIMORE, MARYLAND**

**REPORT**  
Form 92/95

12 September 2018  
E&T

**To:** Major Marc Partee

**Via:** Official Channels  
Attn: Chief Brandon del Pozo, Burlington VT Police Department

**From:** Sergeant Scott Swenson

**Subject:** Review of UOF Training  
Vermont Police Academy "Hitchhiker Drill"

Sir,

On September 12, 2018 at 0900 hours, I respectfully report the following: During my cross training in Use of Force with other Departments, I have had the opportunity to interact with and learn from numerous other agencies. One such agency has been the Burlington, VT Police Department represented by Chief Brandon del Pozo. Recently, Chief del Pozo asked me to review a document and render an opinion on training and best practices relative to a training drill conducted at the Vermont Police Academy, a state academy responsible for training officers in Vermont.

The below information is my opinion and recommendations as a use of force trainer only, and are not necessarily the official opinions or views of either the Vermont Police Academy, the Burlington Police Department, the Baltimore Police Department, or Chief del Pozo. This opinion is rendered in the interest of networking and best practices throughout law enforcement as a whole and are not specific to individual departments.

I am a seventeen year veteran of the Baltimore Police Department. I have previously been assigned to Patrol, Plainclothes Operations (Flex Squad), and the SWAT Team. I am currently assigned as the training supervisor of the Use of Force Squad within the Training Academy and I am responsible for use of force and de-escalation training for the Agency, approximately 3,000 employees. I have received specialized



training from the Maryland Police and Correctional Training Commissions, the Hicks Police Fighting System, Masada Tactical, and Safariland Training Group in Defense Tactics. I have also received specialized training in De-Escalation from the Management of Aggressive Behavior Company and the Police Executive Research Forum. In addition, I have received training on analyzing uses of force and recognizing excited delirium from the Institute for the Prevention of In Custody Deaths. I serve as the Department's use of force expert and have been consulted in departmental, civil, and criminal cases relative to police use of force. I have held this position for approximately six years. Resume is attached for review.

On September 11, 2018, Chief del Pozo e-mailed me a draft of a review of a drill conducted at the Vermont Police Academy known as the "Hitchhiker Drill." In summary, a trainee is dispatched to a call of an intoxicated hitchhiker on the side of the road. The trainee stops the instructor role player to conduct an investigation. When the suspect hands the officer their identification, the role player punches the officer in the head and a fight ensues. An instructor advised the objective of the scenario is to evaluate how the officer responds to a simple assault on police. This drill drew the attention of trainers and commanders due to the following injuries being reported:

- Head injuries
- Knee injuries
- Hearing loss
- Vomiting/nausea/headache
- Dizziness/vertigo
- Possible diagnosis of brain injury
- Multiple injuries requiring hospitalization (the report advised one session included three in one day)

Any drill that results in this many alleged injuries or possible diagnoses requires serious examination of training practices to ensure they are safe, feasible, objective based, and are keeping within the standards of proper training. The following are observations and recommendations:

- The lesson plan (not attached or able to be viewed by me) needs to be reviewed to include the following:

-Clearly written scenario with objectives and role player assignments, a clearly defined role player (with expectations), a supervisor, a safety officer, safety gear, and a safety plan.

-A pre scenario briefing that includes the safety plan, hard and fast expectations of the role player, and medical considerations.

-What exactly constitutes a pass or a fail to eliminate subjectivity of the evaluators. One trainee reported that after being punched in the head several times and disarmed of her baton, she attempted to fire her weapon but was advised by an instructor this was not appropriate. Although I did not witness this incident, these reported elements could fit the criteria for a deadly force encounter. Being advised their response was not appropriate could lead to confusion.

- Instructors and trainees reported concerns with the Redman suit keeping them safe as well as basics like mouth guards and more padding for the role player gloves to lessen the impact of potentially serious head trauma. While the Redman suit does lessen impact, head strikes at full force could still be potentially injurious and this needs serious consideration. A rudimentary test conducted at the Academy with an instructor wearing the Redman helmet and being struck with a Redman glove in the head showed serious concern about possible head trauma. Instructors and students also reported subjective differences in how the role player struck them, i.e. "75%", telegraphed, roundhouse, "hay-maker," or sneak attack, etc.
- As best practice, it is problematic to place an instructor in a position where they would strike a trainee. The level of training an instructor has and the potential of injuring the trainee make striking a trainee in the head under any circumstance in training problematic and I would recommend further review. Often times in training, manpower is limited and instructors must take on the task of a role player but must recognize this is an adversarial relationship with their training duties and must be done very carefully. At our training academy, an instructor does not go above passive (not moving but not physically cooperating with the officer) or active (pulling and pushing away)

resistance during any role play scenario. An instructor would never be in a position to strike or kick a trainee during a scenario. A recommended fix to this particular scenario would be to simply take the fight to the ground and actively resist, aggressively pushing and pulling away, forcing the trainee to engage with the techniques taught in the Academy for an extended period of time. This would accomplish the same objective without the obvious problems that result from striking the head.

- As stated above, it is recommended that your facility limit force contact between instructors and students. Below are two recommendations from our program that still strenuously challenge the trainees but do not include the instructors hitting or kicking trainees:

BPD “Redman Drill”: (This drill is conducted on Day 1 of the program):

**Redman Suit Drill:**

- First drill of Defensive Tactics (performed without formal training for assessment purposes)
- Safety Officer will monitor
- Students will be safety checked and briefed that they are to place the Redman suspect under arrest for a misdemeanor warrant.
- Students will enter in groups of 2 in the gym on the padded mat area.
- Redman Role Player will be seated on the mat for safety reasons and will not get up at any time during the drill.
- Students will engage the Redman Instructor and attempt to take him into custody.
- Redman Instructor will offer up to passive resistance only when physically engaged.
- Safety Officer will monitor the encounter and time it for 30 seconds from first contact.
- On Index (stop scenario) the encounter will be stopped by the S.O. and the debrief will be conducted by instructors.
- Purpose of drill is to establish foundation for defense tactics introduction.

Same can be referenced on page 19 of the Lesson Plan (attached).

Our program does have a boxing and striking program that includes the trainees boxing each other during the program. See below:

**Kneeling Boxing Drill:**

- Students will kneel and remain on their knees for the duration of the drill for safety.
- Students will wear headgear, mouthpieces, and 16 ounce gloves for the drill.
- Students will box for 30 seconds with the target area being above the waist to the head.
- Drill will be monitored by the safety officer, supervisor, and lead instructor for safety and practical application of the material from the Personal Weapons section.

Same can be referenced on Page 20 of the Lesson Plan. One aspect of both of the above drills is staying on the ground which lessens any potential impacts and takes away a lot of power from punches etc. and is easier for the instructors to control and monitor. The Redman suit drill is one of the few where instructors are placed as role players and it is very tightly controlled and limited to passive resistance. The kneeling boxing has been a successful part of our program and has not resulted in significant injury.

I recognize the challenges of preparing present day police officers for the rigors of the street and the potentially dangerous situations they encounter. I firmly believe that force training can be conducted with rigorous conditions and intensity while maintaining an environment of safety. This program was not created in a vacuum and numerous things have changed and evolved over the years. For example, earlier in the program, recruits trained with only socks on due to keeping the mat "clean". This resulted in numerous foot and toe injuries. They now wear boots, ending most foot injuries. A trainee once had his tooth chipped during a training drill through incidental contact not related to a strike. From that point forward, all trainees wear mouth guards during all drills on the mat, regardless of subject matter covered. Changes in safety protocol and improvements to the training are ongoing and fluid. In conclusion, I believe basic changes to the "Hitchhiker Drill" will improve safety and still maximize effectiveness of the intended outcomes.

Thank you for your time and attention on this matter. I can be contacted at [scott.swenson@baltimorepolice.org](mailto:scott.swenson@baltimorepolice.org) or (443) 986-2081 to discuss further. I would also be interested in comparing lesson plans and training for the purposes of networking and gaining further information in bettering our program as well.

Respectfully,

A handwritten signature in black ink, appearing to read "S Swenson". The signature is fluid and cursive, with the first letter "S" being large and prominent.

Sergeant Scott Swenson

## del Pozo, Brandon

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**From:** del Pozo, Brandon  
**Sent:** Tuesday, June 12, 2018 16:42  
**To:** 'Gauthier, Richard'  
**Subject:** questions

Hi Richard,

Thank you for asking for input. I think it would be good for the investigation to assess at least the following, at fist blush:

- How many recruits in the last three-plus classes sustained serious blows to the head as a result of the hitchhiker scenario? Did they get the treatment they needed for what could have been a TBI/concussion? Were reports of injury made, and should they now be made?
- What is the hitchhiker scenario meant to evaluate, and what means does it use to conduct this evaluation?
- Did the hitchhiker scenario, as a written piece of curriculum, call for an initial unguarded blow to the head? If not, when did this become the practice and why? How was the scenario supervised, and was the supervision adequate to observe the actual practice of the scenario? If not, then why not?
- Given that the practice of the hitchhiker scenario was to deliver an unguarded blow to the head when an officer looked down, what risk assessment was done prior to the execution of the scenario and what was the conclusion?
- Once the hitchhiker scenario caused a concussion, what review occurred, what risk assessment was done, and what was the conclusion? What was the rationale for the decision to continue the scenario without modification?
- We know of two recruits who report receiving blows to the head and acting accordingly who were not directed to receive medical attention. What measures were in place to examine recruits and detect serious injuries they were trying to hide out of an inclination to not draw attention to themselves? Where they in place and executed when officers fell to the ground from head strikes? Why weren't these events cause for a review of the scenario and a revised risk assessment?
- What mechanisms were in place generally to review injuries sustained in training and to evaluate the risks that these injuries revealed?
- \* - If the risks were allowed to persist even after they surfaced and a reasonable staff exercising due care were able to observe them, were there any elements of recklessness or negligence to the continuing the training over three or more classes?
- \* - What discipline is being contemplated if there was not due care, or there were elements of recklessness, negligence, etc.?
- \* - What measures are being put in place to assess risks and mitigate them both before implementing a curriculum and as the curriculum unfolds in practice?

To me the bigger questions are what type of judgments led supervisors and staff to believe this scenario was acceptable in the first place, and then once the serious risks were actually demonstrated, why they elected to continue it without any sort of modification. I am also alarmed the people who seem to have clearly needed medical attention were not directed to receive it, as an order. Several people were seriously injured in a way that seems avoidable. I have also consulted with people responsible for police academies in DC and Chicago and they report that they would never have permitted unguarded blows to the head in any type of training scenario at all, given the inherent risks that head injuries pose and the fact that the learning objectives of

police basic training do not require these types of blows to the head to produce well-trained rookie officers. I agree with them. I think we need to understand why there was a different rationale here.

Sincerely,  
Brandon del Pozo  
Chief of Police  
Burlington, Vermont





**Criminal Justice Training Council  
Vermont Police Academy**  
317 Academy Road  
Pittsford, VT 05763  
[www.vcjtc.vermont.gov](http://www.vcjtc.vermont.gov)

[phone] 802-483-6228  
[fax] 802-483-2343

*Office of the Executive Director*

September 12, 2018

Chief Brandon del Pozo  
Burlington Police Department  
Antonio B. Pomerleau Building  
One North Avenue  
Burlington, VT 05401

Chief del Pozo,

As you're aware, during its June meeting the Council tasked academy staff with developing a Request for Proposal to contract with an individual with the expertise to assess the practical scenarios used in Use of Force training—specifically, but not necessarily exclusively, the Hitchhiker Scenario. The Council chose not to conduct an internal review into the contents of your complaint.

Working with Buildings and General Services, the entity in Vermont that deals with contracting, an RFP was created and posted, but there was no response. Nor was there a response that fit within the contracting guidelines to RFP's mailed to specific persons. Accordingly, the matter had to return to the Council at the September meeting for a decision on how to proceed. Lt. Warren read your letter to the Council.

After discussion during an executive session, the Council directed me to contact the International Association of Chiefs of Police and the International Association of Directors of Law Enforcement Standards and Training to request names of persons qualified to complete a training assessment, using the simplified state bid procedure. I will keep you apprised on the outcome of the bid procedure.

The Council also reaffirmed that it was not going to conduct an internal review into the contents of your complaint. Should you or the city's attorney wish to discuss that decision further, I would suggest that you contact Council Chair Chief Brickell.

Sincerely,

Richard B. Gauthier, Executive Director  
Vermont Criminal Justice Training Council





del Pozo, Brandon

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**From:** Bloom, Drew [Drew.Bloom@VERMONT.GOV]  
**Sent:** Thursday, November 16, 2017 09:18  
**To:** VACOPChiefsONLY@LISTSERV.DPS.STATE.VT.US  
**Subject:** [VACOPChiefsONLY] 2017 Act 56 - Internal Affairs Policy  
**Attachments:** Internal Affairs Model Policy.docx; Internal Investigations Complaint Form (06-20-2017).docx  
**Importance:** High

Good morning,

On behalf of Executive Director Gauthier, please note the following:

In 2017, Act No. 56 of the Vermont Legislature required each law enforcement agency adopt an effective internal affairs program by **July 1, 2018**. The Vermont Legislature specifically directed an effective internal affairs program must accomplish the following: (1) accept complaints against law enforcement officers from any source; (2) assign an investigator to determine whether there was a violation of agency rule or policy, or State or federal law; (3) if not outlined in a collective bargaining agreement, outline expectations of employment and/or prohibited acts, including a code of conduct and a corresponding range of discipline, and provide due process rights for officers; (4) treat accused officers fairly and decide officer discipline based on just cause, a set range of discipline for offenses, consideration of mitigating and aggravating circumstances and due process rights; and (5) provide for civilian review of officer discipline at least for conduct that must, by law, be reported to the Vermont Criminal Justice Training Council.

The enclosed model policy has been approved by the Council as sufficient to meet the above requirements. Please note, an agency may adopt all or a portion of this model policy, or even a policy of its own, provided the above requirements are met. *(A model complaint form is included for use as the agency deems appropriate)*. Prior to adopting any internal affairs program policy, even one based on the Council's model policy, each agency should review 2017 Act No. 56 *(available at the below link)* and consult with its own legal counsel.

<http://legislature.vermont.gov/assets/Documents/2018/Docs/ACTS/ACT056/ACT056%20As%20Enacted.pdf>

Best Regards,

Drew Bloom  
Director of Administration & Compliance  
Vermont Police Academy  
317 Academy Road  
Pittsford, Vermont 05763

*This model policy is approved for dissemination by the Vermont Criminal Justice Training Council and may be used in full or in part. Users of this policy should be mindful of collective bargaining agreements and specific legal requirements and make appropriate consultations prior to implementation.*

**Vermont Criminal Justice Training Council  
Internal Investigations**

**Purpose:**

The purpose of this policy is to ensure the integrity of the (Agency Name) members by establishing an effective internal affairs program to ensure prompt and thorough investigation of alleged or suspected misconduct. Such procedures will:

1. Clear the innocent;
2. Provide early indicators of possible personnel issues;
3. Establish guilt of wrong doers;
4. Facilitate prompt and just disciplinary action;
5. Uncover defective procedures or material; and
6. Provide a mechanism for civilian review.

**Policy:**

Based on the premise discipline is a function of command and a well-disciplined law enforcement agency is one which voluntarily and ungrudgingly conforms to policies and regulations, the (Agency Name) will make every effort to facilitate the convenient, courteous, and prompt receipt and processing of complaints. Any member who interferes with, discourages or delays the making of such complaint(s) shall be subject to disciplinary action.

**I. Responsibility**

(Agency Name) will investigate all complaints against the agency or its personnel. Anonymous complaints can be difficult to investigate; however, the agency should carefully review each complaint for validation before disregarding it for lack of credibility. It shall be the responsibility of all department members to adhere to this policy.

**II. Administration**

- A. The (Agency Head or Designee) is responsible for the internal investigation function of the (Agency Name). The (Agency Head or Designee) will have

the functional responsibility for internal investigations and shall report directly to the **(Agency Head and/or Appointing Authority)**. Where the **(Designee)** is a principle in an incident, the **(Agency Head)** will oversee the investigation. Where the **(Agency Head)** is the subject of an investigation, the complaint will be submitted to the appointing authority and the Vermont Criminal Justice Training Council.

- B. The internal investigation function is responsible for:
1. Recording, registering, and controlling the investigation of complaints against members, or the agency itself;
  2. Supervising and controlling the investigation of alleged misconduct or corruption within the agency; and
  3. Maintaining the confidentiality of professional standards investigations and records.

- C. The internal investigations function shall not involve itself with the inadequacies of procedural matters, poorly written reports, matters of dress, or similar violations, except when such violations may be indicative or something more serious. Such concerns are the focus of supervisory staff.

Internal investigations are concerned with complaints or information received of personal abuse, domestic or relationship violence or abuse, stalking, sexual assault, other illegal actions, unethical and unprofessional conduct generally classified as follows:

1. Commission of any crime defined by Vermont statute or federal law as a felony or misdemeanor. Complaints shall be investigated by the **(Agency Head or Designee)**.
  2. The acceptance of gifts and gratuities, unprofessionalism or rudeness, favored treatment, or any activity or conduct which is prejudicial to the policy or rules and regulations of the **(Agency Name)**. Complaints may be investigated by the **(Agency Head or Designee)**.
  3. In every instance, complaints will ultimately be reviewed by the **(Agency Head or Designee)**. A mechanism for review by the **(Selectboard or other elected or appointed body)** for conduct required to be reported to the Vermont Criminal Justice Training Council shall be established.
- D. When a member is notified they have become the subject of an internal investigation, the department will issue the member a written statement of

the allegation(s) and the member's duties and rights during an investigation. When members are interviewed relative to an internal investigation, they shall read and sign an administrative interview notification on a form prescribed by the (Agency Name).

### III. Complaint Processing

#### A. Complaint Processing

1. The (Agency Name) will accept complaints of alleged or suspected violations of law, ordinances, department rules, regulations or policies. These include:
  - a. Those violations reported to any member of the (Agency Name) by other members of the (Agency Name), either orally or in writing; and
  - b. Citizens (*including prisoners*) in person, by telephone, or by correspondence either signed or anonymous.
2. Those violations observed or suspected by supervising or command officers;
  - a. Any alleged or suspected breach of integrity or case of moral turpitude from whatever source it may be reported or developed;
  - b. Any situation in which a citizen has been injured or killed by an officer, whether on duty or not;
  - c. Any situation involving the discharge of firearms by an officer with the following exception(s):
    1. Unintentional discharge of a department owned weapon which does not involve death, injury or property damage.
    2. Euthanizing injured animals.
    3. Firearms Training or other legitimate firearms events.
  - d. Assisting any member of the (Agency Name) by investigating cases of personal harassment, threats, false accusations, or continued situations, which may be harmful to the (Agency Name) member.

- e. Any time a citizen complaint or other investigation directed at a member requires the member to participate in a lineup, submit to a medical or laboratory examination, submit a financial disclosure, provide photographs for a lineup, or submit to a polygraph examination;
  - f. If the conduct alleged is of a criminal nature or may become criminal in nature, the **(Agency Head or Designee)** may contact an outside agency to conduct an independent investigation separate from the internal investigation.
  - g. Citizen complaints will not be investigated if received more than **(number of days)** days after the alleged incident except if the complaint involves alleged criminal activity or the complainant can show worthy cause for not coming forward sooner.
- B. All complaints received in person or via telephone will follow the procedures as set forth in this policy. Exceptions are anonymous complaints where the **(Agency Head or Designee)** will fill in the known information on the appropriate agency form and forward as required.
  - 1. Persons who wish to file a formal complaint against any member of the **(Agency Name)** shall immediately be directed to a supervisor (preferably) or, if none available, an on-duty member at the time the complainant appears. The supervisor or designated member will provide the complainant with their name, rank and other appropriate contact information for identification purposes.
  - 2. Members will treat a complainant courteously and with respect and civility, recognizing the difficult position people who file complaints against law enforcement may feel they are in. If a member takes the initial complaint, they shall discuss the matter with no one other than a supervisor and preferably only the **(Agency Head or Designee)** for internal complaints.
  - 3. Should the complainant, after speaking with the **(Agency Head or Designee)**, or if not available another member, and being advised of the complaint procedure, insist on filing their complaint personally with a higher authority, appropriate arrangements to refer the complainant to that higher authority shall be provided.

4. Following a verbal discussion as to the substance of the complaint, the **(Agency Head or Designee)** shall furnish the complainant with a blank copy of an approved complaint form. The **(Agency Head or Designee)** providing the form to the complainant must advise them they have 14 days to complete and return the form to continue the process. If the citizen has impediments to completing a written statement, the **(Agency Head or Designee)** shall offer to record the statement and/or write the statement on the complainant's behalf.
5. The **(Agency Head or Designee)** shall complete the appropriate portion(s) of the complaint form, noting the date and time the complaint was received from the complainant.
6. The **(Agency Head or Designee)** will complete the internal investigation form and shall include a brief comment relative to the complainant's apparent rationality and demeanor. Should they suspect the complainant is under the influence of an intoxicant or drug, or is suffering from a psychological disorder, or evidence any other trait or condition bearing on the complainant's credibility, these conditions and descriptions shall be noted together with any other pertinent remarks. Should the complaint be received over the phone, the call should be recorded whenever possible.
7. In those instances where a complainant has alleged the use of excessive force by a member, the **(Agency Head or Designee)** taking the complaint shall carefully note the presence of any unusual marks, bruises or abrasions on the person or the complainant. They shall record all such injuries by the use of color photography or video and collect witness contact information whenever possible.
8. After reviewing all available material pertaining to the complainant, the **(Agency Head or Designee)** taking the complaint shall indicate the name of the member who is under investigation together with their rank and current assignment.
9. The Internal Investigation Complaint Form shall be forwarded, either in person or by sealed envelope, to the **(Agency Head or Designee)** if collected by another member.
10. In cases alleging criminal conduct on the part of a member and after a decision by the **(Agency Head or Designee)** to do so, the **(Agency Head or Designee)** will advise the State's Attorney's Office, Vermont Attorney General's Office and/or any other appropriate Department/Agency of the nature of the complaint. The **(Agency Head or Designee)** will maintain

liaison with the State's Attorney's Office, Vermont Attorney General's Office and/or any other appropriate Department/Agency and may seek legal advice and assistance in case preparation.

- C. The (Agency Name) shall maintain a record of all complaints. The records activity is a function of the internal investigations component and is an exception to personnel records to the extent the investigative work product will be filed separately and will be under the control of the (Agency Head or Designee).
1. To maintain confidentiality, records pertaining to internal investigations shall be properly secured by the individuals responsible for the internal investigations function.
    - a. After a complainant has contacted the (Agency Name) regarding an alleged violation, the (Agency Head or Designee) will respond to the complainant, acknowledging the complaint has been received and is being investigated. This responsibility lies with the (Agency Head or Designee).
    - b. Whenever practical and possible, the (Agency Head or Designee) shall provide the complainant with periodic status reports pertaining to the progress of the investigation.
    - c. At the completion of the investigation the (Agency Head or Designee) will advise the complainant of the findings:

**SUBSTANTIATED**

The allegation/investigation is supported by sufficient evidence to justify a reasonable conclusion of a violation of law or department regulation(s).

**NOT-SUBSTANTIATED**

Insufficient evidence exists to either prove or disprove the allegation/investigation.

**UNFOUNDED**

All information firmly supports the allegation is false. The member involved is totally cleared/absolved of any misconduct.

### EXONERATED

1. Proper Conduct - The incident occurred, but was lawful and proper. The member involved is totally exonerated of any misconduct.
2. Policy Failure - The incident occurred, but was lawful and proper in accordance with policy and procedure, however a review of such policies and/or additional training may be necessary to prevent future allegations of misconduct. The department member is totally exonerated of any misconduct.
3. Misconduct Not Based Upon the Complaint, Sustained - Substantiated misconduct not alleged in the complaint.

#### D. Compliance

1. Members who are subject to an internal investigation will not discuss the matter with any individuals except the assigned investigator(s) and supervisors who have a direct involvement in the inquiry process.
2. Any member who is aware of an internal issue and possesses relevant information to that inquiry is required to bring it to the attention of their supervisor or the assigned investigator(s). A failure to do so, even if not specifically asked for, may result in significant disciplinary action.
3. Matters subject to an internal investigation shall only be discussed with subject members, witnesses, and supervisors with an authorized involvement in such matters.
4. All information, documents, recordings, and other material relevant to an internal investigation shall be considered confidential and privileged. The assigned investigator(s) shall take all reasonable and necessary precautions to maintain the confidentiality of such items and ensure that it's provided only to supervisors within the chain of command who have a direct and authorized involvement in the internal investigation process.

#### IV. Operational

- A. The (Agency Name) shall maintain liaison with the State's Attorney's Office, Vermont Attorney General's Office or other appropriate



Agency/Department in investigations involving alleged criminal conduct on the part of a member. No action may be taken by members conducting such an inquiry that in any way interferes with or compromises a criminal investigation.

- B. Supervisors have a responsibility to discover inefficiency or misconduct at its earliest stages and should not rely on a higher authority in the organization when issues are within the scope of their own authority.
- C. The **(Agency Head or Designee)** shall notify the involved member of a citizen complaint and/or internal investigation unless such notification could compromise the investigation. At the time of the notification, the member shall receive in writing a statement of the allegation(s) and their rights and responsibilities relative to the investigation. When it is determined the notification should be made, it must be determined whether the member will receive administrative or constitutional rights.
  - 1. When a member is advised of administrative rights, the member is required to answer all questions fully and truthfully, and disciplinary action, including dismissal, may be imposed for a refusal to answer.
  - 2. In cases where the **(Agency Name)** desires to have the option of using any statements made by the member in a subsequent criminal proceeding, then:
    - a. The member must be advised of their Miranda rights;
    - b. The member must be advised no adverse disciplinary or administrative action will be taken based upon a refusal to answer any questions;
    - c. In any case where the option to use incriminating statements must be retained, the investigating authority shall have the member complete a Miranda Warning.
    - d. Voluntary statements or confessions made by an employee while being questioned would be admissible in criminal proceedings.
- D. No member shall become involved in an investigation in any manner unless expressly requested to do so by the **(Agency Head or Designee)**.

**V. Disciplinary Authority**

- A. A supervisor may impose an emergency suspension against a member when there are indications that the member has been consuming alcohol and/or is under the influence of drugs. An emergency suspension under their authority would be considered a temporary administrative action due to a member's physical or psychological fitness for duty.

**NOTE:** Any person so suspended shall be instructed to report to the **(Agency Head or Designee)** as soon as reasonably practicable, unless circumstances dictate a different course of action. The supervisory member imposing or recommending the emergency suspension will report at the same time.

- B. Supervisory personnel may recommend and take the following disciplinary measures *(Refer to Collective Bargaining Agreements Where Appropriate)*:

1. Oral reprimand;
2. Written reprimand;
3. Emergency suspension; and
4. Written recommendations for other penalties.

Final authority and responsibility for discipline rests with the **(Agency Head or Designee)**. The **(Agency Head or Designee)** retains the prerogative and right to sanction or withhold any disciplinary action until such time as any appeal has been concluded. *(Refer to any collective bargaining agreements)*.

## **VI. Special Tests**

- A. An on-duty supervisor is required to direct a member to submit to an evidentiary breath test when the level of inebriation is a factor directly related to duty performance or to operating a departmental vehicle.

1. An accused employee may request a breath test or polygraph test if they believe such a test would be beneficial to their defense.

- B. At the direction of the **(Agency Head or Designee)**, and the expense of the agency, members may be required to submit to tests or disclosures when it is specifically directed and narrowly related to an internal affairs investigation regarding the member. Failure to follow a direct order of this nature may result in a separate disciplinary action against the member.

- C. Examples of specific requests that may be made of members during an investigation include, but are not limited to the following:

1. Polygraph examinations
2. Medical, psychiatric, or laboratory examinations, including chemical tests
3. Photographs
4. In-person line-up
5. Submission of financial disclosure or other personal papers
6. Search of equipment used by the employee regarding the performance of their official duties

**VII. Interview Rights**

- A. All interviews will be conducted while the member is on duty, unless the seriousness of the investigation is of such a degree an immediate interview is required.
- B. The accused member being interviewed shall not be subjected to offensive language or threatened with transfer, dismissal or disciplinary action. No promise or reward shall be made as an inducement to answer any questions.
- C. Members will be afforded an opportunity for appropriate representation relative to the complaint made prior to being interviewed. (refer to collective bargaining agreements)

**VIII. Investigating Member's Responsibilities**

- A. Consistent with existing departmental policy, the investigating member assigned to a complaint is authorized to employ all recognized investigative methods in conducting a meaningful investigation of a complaint filed against a member of the (Agency Name).
- B. The impact of an internal investigation on the integrity of the (Agency Name) and on employee morale necessitates a speedy resolution to such issues. The investigating member is responsible for the completion of an assigned investigation within (Days Pursuant to Agreement) days of said assignment. Status reports are required every (Days Pursuant to

Agreement) days. There may be exceptions to the (Days Pursuant to Agreement) limit, but such extensions may only be granted in cases where extenuating circumstances exist.

- C. The (Agency Head or Designee) will complete a report when the investigation is completed. The investigator will conclude their report with one of the following categories:

SUBSTANTIATED

The allegation/investigation is supported by sufficient evidence to justify a reasonable conclusion of a violation of law or department regulations.

NOT-SUBSTANTIATED

Insufficient evidence exists to either to prove or disprove the allegation.

UNFOUNDED

All information firmly supports the allegation is false. The department member involved is totally cleared/absolved of any misconduct.

EXONERATED

Proper Conduct - The incident occurred, but was lawful and proper. The department member involved is totally exonerated of any misconduct.

Policy Failure - The incident occurred, but was lawful and proper in accordance with department policy and procedure; however, a review of such policies and/or additional training may be necessary to prevent future allegations of misconduct. The department member is totally exonerated of any misconduct.

MISCONDUCT NOT BASED UPON THE COMPLAINT, SUSTAINED –  
Substantiated misconduct not alleged in the complaint.

- D. When the act complained of is a crime and the evidence is such that had the action been by a private person would have resulted in arrest, the investigating member will explain the circumstances to the (Agency Head or Designee) and request a decision as to whether:

1. The accused member should be arrested forthwith; or
2. A warrant for arrest should be applied for; or

3. Whether criminal action should be delayed pending further investigation and consultation with the State's Attorney's Office and/or Attorney General's Office.
- E. The final investigative report will be forwarded to the **(Agency Head or Designee)**, along with any recommendations for alternate action, made in writing.

**IX. Review and Disposition by the (Agency Head or Designee).**

- A. After due consideration of all information pertaining to the complaint and investigation, including recommendations by the investigating member, the **(Agency Head or Designee)** shall decide upon the disposition of the complaint.
- B. The **(Agency Head or Designee)** will notify the investigated member and other appropriate persons the final adjudication and disposition.
- C. The **(Agency Head or Designee)** will notify the complainant of the final determination of the complaint.

**X. Records**

- A. All records pertaining to citizen complaints and internal investigations shall be maintained in a secure file.
- B. The **(Agency Head or Designee)** shall prepare an annual summary of internal investigations at the end of each calendar year. The report shall be statistical in nature and shall not identify any member by name. The summary report shall contain information relating to:
  1. The number of investigations
  2. The adjudication of those investigations
  3. Disciplinary action
  4. Any other pertinent information.

**XI. Search of agency owned storage, vehicles and workspaces**

- A. A member's assigned **(lockers, vehicles, workspaces, storage cabinmates, etc.)** is the property of the **(Agency Name)**, and as such, no

grant of property right or privacy is expressed or implied. All agency owned (**lockers, vehicles, workspaces, storage cabinmates, etc.**) are the property of the (**Agency Name**) whether assigned or non-assigned and may be subject to search.

- B. Except in exigent circumstances, only the (**Agency Head or Designee**) may authorize a search of an individual employee's assigned (**locker, vehicle, workspace, storage cabinmate, etc.**).
- C. During any authorized search, at least one supervisory member shall be present, along with the investigating member and the employee who has been assigned or is using that (**locker, vehicle, workspace, storage cabinmate, etc.**) if possible.

## **XII. Policy Failure**

- A. When adjudicating a complaint, it may be found a citizen has a valid and justifiable grievance, but the member involved acted properly within the prescribed policy.
- B. In such cases, the investigating member shall recommend the appropriate adjudication as it relates to the employee and prepare, in conjunction with the (**Agency Head or Designee**) an additional section to the narrative report entitled "Policy Failure."
- C. The investigator's report shall specify:
  - 1. The specific policy involved.
  - 2. The harm done to the complainant or the problem that it caused.
  - 3. Any recommended changes to the existing policy to prevent future problems of the same nature.
- D. If the (**Agency Head or Designee**) concurs with the investigator's conclusions regarding the policy failure, he/she shall assign a person to be responsible for preparing the appropriate policy change.

